

11/21/00
JC957 U.S. PTO

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Name: CLIFFORD CHANCE ROGERS & WELLS LLP

Signature: CLIFFORD CHANCE ROGERS & WELLS LLP

JC930 U.S. PTO
09/77745
11/21/00

Docket No. 5677-142

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION TRANSMITTAL

COMMISSIONER OF PATENTS
BOX PATENT APPLICATION
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is a utility patent application

Of: Leo J. Romanczyk, Jr. et al.

For: XANTHINE ALKALOID FREE COCOA EXTRACTS CONTAINING COCOA
PROCYANIDINS

ENCLOSED are the following:

1. ☒ Specification, abstract and claims (57 pages)
2. ☒ 59 sheets of ☒ formal ☐ informal drawings (Figs. 1-20)
Suggested Figure for Publication: _____
3. ☒ Declaration
☒ signed ☐ unsigned
☒ Copy from a prior application (for continuation/divisional)
4. ☐ Application Data Sheet
5. ☒ Preliminary Amendment
6. ☐ Information Disclosure Statement and PTO-1449
7. ☒ Assignment and Assignment Recordation sheet (*copy from prior application*)
8. ☒ The prior application is assigned to: Mars, Incorporated
The assignment was recorded on 12/19/94 at reel 7280 and frame 0920.
9. ☐ Other:

NOTE the following:

10. ☒ This application is made under 37 C.F.R. § 1.53(b) and is a

☐ Continuation ☐ Continuation-In-Part ☒ Divisional

of Prior Application No. 09/172,873 filed 10/15/98, now allowed, which is a division of Serial No. 08/839,446 filed 4/14/97, now U.S. 5,891,905, issued 4/6/99, which is a division of Serial No. 08/687,885, filed 7/26/96, now U.S. 5,712,305, issued 1/27/98, which is a division of Serial No. 08/317,226 filed 10/3/94, now U.S. 5,554,645, issued 9/10/96.

11. ☐ An Extension of Time is filed concurrently herewith for the parent application.

12. Small Entity Status:

☐ Applicant is a small entity

☐ Small entity status claimed in the parent application is no longer proper

13. ☐ Applicants claim priority from the following application(s) under 35 U.S.C. § 119:

| <u>Serial Number</u> | <u>Country</u> | <u>Filing Date</u> | <u>Certified Copy Encl.</u> |
|----------------------|----------------|--------------------|-----------------------------|
| 09/172,873 | | 10/15/98 | |
| 08/839,446 | | 4/14/97 | |
| 08/687,885 | | 7/26/96 | |
| 08/317,226 | | 10/3/94 | |

14. ☒ Cancel claims 65-80 prior to calculation of the filing fee.

FILING FEE: calculated below (after accounting for any preliminary amendment or claims cancellations if noted above):

| | | | |
|-----------------------------------|--------------------------------|---------------------|----------------------|
| Basic Filing Fee | | | \$ 710.00 |
| Total No. Claims 20 | Extra Claims (Total – 20) 0 | fee / claim \$18 | \$ 0.00 |
| Total No. Independent Claims 4 | Extra Independ. (No. – 3) 1 | fee / claim \$80 | \$ 80.00 |
| Multiple Dependent Claim? | | | add \$270 \$ 0.00 |
| Sub-Total | | | \$ 790.00 |
| Small Entity? | | | less 50% |
| TOTAL FEE DUE | | | \$ 790.00 |

15. ☐ A check in the amount of \$ _____ is enclosed (must at least cover basic fee).
☒ The Commissioner is authorized to charge \$790.00 in connection with this communication to Deposit Account No. 50-0521.

In the event that a petition for extension of time is required to be submitted in the pending prior application, and in the event that a separate petition for the pending prior application is not filed on even date, applicant hereby petitions under 37 C.F.R.1.136(a) for an extension of time in the pending prior application of as many months as are required to render this submission timely. The Commissioner is authorized to charge any fees due in connection with such a petition to Deposit Account No. 50-0521.

The Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 50-0521.

A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: November 21, 2001

Margaret B. Kelley
Margaret B. Kelley
Reg. No. 29,181

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